

REMARKS**Summary of the Office Action**

Claims 1 and 3-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,029,436 to Kufel Jr. et al. ("Kufel").

Summary of the Response to the Office Action

Applicant has amended claim 1. New claims 6-9 have been added.

Accordingly, claims 1 and 3-9 are presently pending for further consideration.

Rejection Under 35 U.S.C. § 102(b)

Claims 1 and 3-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kufel.

Claim 1 has been amended to recite that the support surface supports the center of the upper portion of the leading-end staple. Applicant respectfully traverses the rejection of the claims as amended.

Claim 1 has been amended to recite that "the pusher includes a support surface that supports contacts a lower surface of the center in the lengthwise direction of the upper portion of the leading-end staple when the driver moves down to push out the leading end staple." In contrast, the wobble plate 36 of Kufel cannot be the pusher recited in claim 1 because it supports the staple "against the face of channel [to] hold the staple frictionally... ." (col. 3, lines 53-56.) Thus, the wobble plate 36 of Kufel contacts a vertical surface of the leading end staple to support it rather than "contact[ing] the lower surface of the center of the lengthwise direction of the upper portion of the leading end staple" as recited in claim 1.

In addition, claim 1 has been amended to recite that the pusher presses not only the leading end staple, but also the next staple. The wobble plate 36 of Kufel contacts only the leading end staple. The leading end staple of Kufel pulls the remainder of the attached strip of staples rather than pressing the next staple as recited in claim 1. (col. 4, lines 12-13.)

For at least the above reasons, Applicant respectfully requests that the rejection of claims 1 and 3-5 under 35 U.S.C. § 102(b) as being anticipated by Kufel be withdrawn.

New Claims 6-9

New claim 6 also includes the feature that the pusher presses both the leading end staple and the next staple. In addition, claim 6 recites that "the support surface of the pusher projects from the pusher toward the guide surface such that the contact surface of the pusher will not contact the guide surface in the absence of staples." Neither feature is found in Kufel.

For at least these reasons, Applicant respectfully asserts that claim 6 and its dependent claims 7-9 are in condition for allowance. Allowance of claims 1 and 3-9 is requested.

CONCLUSION

It is respectfully submitted that all claims are now in condition for allowance, early notice of which would be appreciated. Should the Examiner disagree, Applicant respectfully requests a telephonic or in-person interview with the undersigned attorney to discuss any remaining issues and to expedite the eventual allowance of the claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,
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